## REMARKS

Claims 14-90 are pending in the application.

Claims 14-90 have been rejected.

### *Double Patenting Rejection*

Claims 14-90 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Pat. No. 6,751,746. Applicants are submitting a terminal disclaimer in compliance with 37 CFR §1.321(b) along with this response. Accordingly, Applicants submit that this rejection has been overcome.

### *Rejection of Claims Under 35 U.S.C. §103*

Claims 14-90 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ariel Orda and Raphael Rom's article "Routing with Packet Duplication and Elimination in Computer Networks," IEEE Transactions on Communications, Volume 36, No. 7, July 1988 (hereinafter referred to as "Orda"), in view of U.S. Patent 6,760,328 issued to Ofek et al. (hereinafter referred to as "Ofek"). Applicants respectfully traverse this rejection.

The cited art neither teaches nor suggests "identifying a first network component in a first path using a first identifier stored in a data structure," as recited in claim 14. The Office Action equates the "distributed algorithm including optimal, deadlock free, loop free, packet duplication, network reliability, packet loss control, routing control, congestion control, packet switching, telecommunication traffic, etc... via multiple node, paths, and data packets including sources and destination addresses" described in Orda with the "data structure" of claim 14. Office Action, page 6. However, Applicants note that unlike the data structure of claim 14, algorithms and data packets are clearly not data structures from which identifiers can be removed. Nodes and paths are also not such data structures. Accordingly, Orda clearly fails to teach or suggest this feature.

The Office Action also cites Ofek as teaching a "data packet structure" and implies that such a data packet is equivalent to the data structure of claim 14. Office

Action, p. 7. However, Applicants again note that a data packet is clearly not a data structure. For example, unlike the data structure of claim 1, a data packet cannot be used to identify nodes in the manner recited in claim 14. Furthermore, identifiers cannot be removed from a data packet in the manner recited in claim 14. Thus, neither Ofek nor Orda, considered alone or in combination, teaches or suggests a data structure. Instead, both simply describe data packets, which are clearly not equivalent to the data structure of claim 14.

The cited art also fails to teach or suggest "removing the first identifier from the data structure," after the first network component has been identified using that identifier. The Office Action relies upon pages 682 (Applicants assume that this is meant to be a citation to page 862, since Orda does not contain a page 682) and 866 of Orda to teach this feature of claim 14 (no portions of Ofek are relied upon to teach this feature). The cited pages of Orda describe the ways in which data packets can be eliminated as those data packets are being conveyed through a network.

The cited pages of Orda clearly do not contain any teaching or suggestion to manipulate a data structure in any way, let alone to remove an identifier from a data structure. Applicants note that eliminating a data packet as that packet is being conveyed through a network is clearly not the same as removing an identifier from a data structure. Thus, the cited art clearly fails to teach or suggest this feature of claim 14.

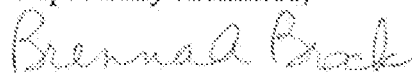
Finally, Applicants note that the Office Action equates a data packet with claim 14's data structure, while also equating the act of eliminating data packets with claim 14's act of removing an identifier from a data structure. Since data packets are equated with the data structure, eliminating a data packet would be equivalent to eliminating the entire data structure. Eliminating the entire data structure is clearly not the same as simply removing an identifier from the data structure. Furthermore, the act of eliminating the entire data structure would make it impossible for "the second identifier [to remain] in the data structure subsequent to the removing the first identifier," as recited in claim 14 (emphasis added). Accordingly, the rejection clearly does not show how the cited art teaches or suggests the features of claim 14.

For at least the foregoing reasons, claim 14 is patentable over the cited art, as are dependent claims 15-28. Claims 29-90 are patentable over the cited art for similar reasons.

## CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

Respectfully submitted,



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